

REMARKS

Claims 1 and 2 were pending in the present application, yet Applicants note that the numbering of the claims was incorrect. In the parent application, 20 claims were originally filed, so the numbering in this divisional application should reflect this. Applicants address these inadvertent errors by canceling the original 20 claims of the parent application and re-numbering the claims pending herein. Therefore, the previously pending claim 1 is now claim 21, and so forth.

Claim 21 is amended herein without prejudice and without acquiescence, and support for these amendments is found in the specification at least at page 24, lines 12-18, and the sequence listing. Claim 22 is cancelled herein without prejudice and without acquiescence. Applicants reserve the right to pursue cancelled and amended material in subsequent prosecution. New claim 23 is added herein. Support for new claim 23 is found in the specification at least at page 17, line 17-page 18, line 6.

I. Issues Under 35 USC §102

The following issues under 35 USC §102 are addressed.

A. 35 USC §102(e) and U.S. Patent No. 6,544,517

Claim 21 is rejected under 35 USC §102(e) for being anticipated by U.S. Patent No. 6,544,517 (“Rikihisa”).

Claim 21 as amended herein is not taught by Rikihisa. Applicants respectfully request removal of the rejection.

B. 35 USC §102(b) and WO 99/13720, Ohashi *et al.* (1998), and Reddy *et al.* (1998)

Claim 21 is rejected under 35 USC §102(e) for being anticipated by WO 99/13720, Ohashi *et al.* (1998), and Reddy *et al.* (1998).

Claim 21 as amended herein is not taught by any of these references. Applicants respectfully request removal of the rejection.

II. Issues Under 35 USC §101

Claims 21 and 22 were rejected under 35 USC §101 because the claimed invention was allegedly directed to non-statutory subject matter. Applicants note that Claim 21 concerns a recombinant polypeptide, which does not exist naturally.

Applicants respectfully request removal of the rejection.

III. Conclusion

Applicants believe no fee is due with this response other than the fee for the Petition for Extension of Time of Two Months. However, if another fee is due, please charge our Deposit Account No. 06-2375, under Order No. AH-CLFR:181USD6 from which the undersigned is authorized to draw.

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Respectfully submitted,

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